

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
JANUARY 26, 2016**

PRESENT: John Church, D.C; Jacob Curtis (*via GoToMeeting*); Jeffrey Mackey, D.C. (*arrived at 9:23 a.m.*); Juli McNeely (*was excused at 9:50 a.m.*); and Patricia Schumacher, D.C.

EXCUSED: Jeffrey King, D.C.

STAFF: Tom Ryan, Executive Director; Dale Kleven, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor; and other Department Staff

CALL TO ORDER

Patricia Schumacher, Chair, called the meeting to order at 8:35 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Juli McNeely moved, seconded by John Church, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Juli McNeely moved, seconded by John Church, to approve the minutes of December 1, 2016 as published. Motion carried unanimously.

ELECTION OF OFFICERS

Board Chair

NOMINATION: Juli McNeely nominated Patricia Schumacher for the Office of Board Chair.

Dan Williams called for nominations three (3) times.

Patricia Schumacher was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Juli McNeely nominated John Church for the Office of Vice Chair.

Dan Williams called for nominations three (3) times.

John Church was elected as Vice Chair by unanimous consent.

Secretary

NOMINATION: Juli McNeely nominated Jeffrey Mackey for the Office of Secretary.

Dan Williams called for nominations three (3) times.

Jeffrey Mackey was elected as Secretary by unanimous consent.

2017 ELECTION RESULTS	
Board Chair	Patricia Schumacher
Vice Chair	John Church
Secretary	Jeffrey Mackey

LIAISON APPOINTMENTS AND DELEGATED AUTHORITIES

2017 LIAISON APPOINTMENTS	
Preceptor Liaison	John Church <i>Alternate: Jeffrey Mackey</i>
Monitoring Liaison	Jeffrey Mackey <i>Alternate: John Church</i>
Credentialing Liaison	Patricia Schumacher <i>Alternate: John Church</i>
Exams, Education and Continuing Education Liaison	Patricia Schumacher <i>Alternate: John Church</i>
Travel Liaison	Patricia Schumacher <i>Alternate: John Church</i>
Rules Liaison	John Church <i>Alternate: Jeffrey King</i>
Legislative Liaison	Patricia Schumacher
Professional Assistance Procedure (PAP) Liaison	John Church <i>Alternate: Juli McNeely</i>
2017 SCREENING PANEL APPOINTMENTS	
Screening Panel	John Church, Juli McNeely, Patricia Schumacher <i>Alternate: Jacob Curtis</i>

MOTION: Juli McNeely moved, seconded by John Church, to affirm the Chair's appointment of liaisons for 2017. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Juli McNeely moved, seconded by John Church, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Juli McNeely moved, seconded by John Church, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Juli McNeely moved, seconded by John Church, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Juli McNeely moved, seconded by John Church, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

MOTION: John Church moved, seconded by Juli McNeely, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Monitoring Delegations

MOTION: Juli McNeely moved, seconded by John Church, to **table** the decision to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor', document as presented at the January 26, 2017 meeting. Motion carried unanimously.

Travel Delegation

MOTION: Juli McNeely moved, seconded by John Church, to authorize the travel liaison to approve all Board travel. Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULE MATTERS

Revised Draft of Proposed Rules for Chir 4 and 10 Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians

MOTION: Juli McNeely moved, seconded by John Church, to approve the preliminary rule draft of Chir 4 and 10, relating to courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Statements of Scope for Chir 1, Relating to Authority and Definitions; Chir 2, Relating to Examinations; Chir 3, Relating to License Renewal; Chir 4, Relating to Chiropractic Practice; Chir 5, Relating to Continuing Education; Chir 6, Relating to Standards of Conduct; Chir 9, Relating to Chiropractic Preceptorship; Chir 11, Relating to Patient Records; and Chir 12, Relating to Nutritional Counseling Certification

MOTION: Juli McNeely moved, seconded by John Church, to approve the Scope Statements on Chir 1, relating to authority and definitions; Chir 2, relating to examinations; Chir 3, relating to license renewal; Chir 4, relating to chiropractic practice; Chir 6, relating to standards of conduct; Chir 9, relating to chiropractic preceptorship; Chir 11, relating to patient records; and Chir 12, relating to nutritional counseling certification, for submission to the Governor's Office and publication, and to authorize the Chair to approve the scopes for implementation no less than 10 days after publication. Motion carried unanimously.

(Jeffrey Mackey joined the meeting at 9:23 a.m.)

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)

Federation of Chiropractic Licensing Boards (FCLB) and National Board of Chiropractic Examiners (NBCE) Annual Meetings – May 3-7, 2017 in Orlando, FL – Consider Travel and Call for Delegates and Alternate Delegates

MOTION: Jeffrey Mackey moved, seconded by John Church, to designate Patricia Schumacher, as the Board's delegate, to attend the FCLB and NBCE meeting on May 3-7, 2017 in Orlando, FL and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Juli McNeely moved, seconded by John Church, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: John Church-yes; Jacob Curtis-yes; Jeffrey Mackey-yes; Juli McNeely-yes; Patricia Schumacher-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:37 a.m.

RECONVENE TO OPEN SESSION

MOTION: Jeffrey Mackey moved, seconded by John Church, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:37 a.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

MOTION: Jeffrey Mackey moved, seconded by John Church, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

DELIBERATION ON CREDENTIALING MATTERS

Crystal Baird – Chiropractic Technician Application

MOTION: Jeffrey Mackey moved, seconded by Juli McNeely, to table the Chiropractic Technician application of Crystal Baird until the next meeting. Motion carried unanimously.

(Patricia Schumacher recused herself and left the room for deliberation, and voting in the matter concerning the Chiropractic Technician application of Crystal Baird. John Church, Vice Chair, chaired the meeting for the duration of this item.)

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulation(s), Final Decision(s) and Order(s)

14 CHI 022 and 15 CHI 001 – Margaret Mertens, D.C.

MOTION: Jeffrey Mackey moved, seconded by Juli McNeely, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of disciplinary proceedings against Margaret Mertens, DLSC Case No. 14 CHI 022 and 15 CHI 001. Motion carried unanimously.

(Patricia Schumacher recused herself and left the room for deliberation, and voting in the matter concerning DLSC Case No. 14 CHI 022 and 15 CHI 001. John Church, Vice Chair, chaired the meeting for the duration of this item.)

Case Closing(s)

16 CHI 008 – P.S.

MOTION: Jeffrey Mackey moved, seconded by Juli McNeely, to delegate to Michael J. Berndt, Department Chief Legal Counsel, the Board's authority to preside over and resolve disciplinary matter for DLSC case number 16 CHI 008 against P.S. Motion carried unanimously.

(Patricia Schumacher recused herself and left the room for deliberation, and voting in the matter concerning DLSC case number.S., 16 CHI 008. John Church, Vice Chair, chaired the meeting for the duration of this item.)

(Juli McNeely was excused from the meeting at 9:50 a.m.)

CONTINUING EDUCATION WAIVER REQUEST

Lynette Boschoff, D.C.

MOTION: Jeffrey Mackey moved, seconded by John Church, to deny the waiver request of Lynette Boschoff. Reason for Denial: Wis. Stat § 446.02(8) and Wis. Admin. Code Ch. Chir 5.01(1)(c). Motion carried unanimously.

Claudia Cottrell, D.C.

MOTION: John Church moved, seconded by Jeffrey Mackey, to deny the waiver request of Claudia Cottrell, pursuant to Wis. Stat § 446.02(8) and Wis. Admin. Code Ch. Chir 5.01(1)(c). As an alternative, the Board grants an extension until June 1, 2017 to complete all continuing education requirements for the 2015-2016 biennium and submit evidence of attendance and credits earned. Any credits submitted for the 2015-2016 biennium may not be applied to the 2017-2018 biennium. Motion carried unanimously.

Gordon Helgoe, D.C.

MOTION: John Church moved, seconded by Jeffrey Mackey, to grant the waiver request of Gordon Helgoe, for the 2015-2016 biennium. Motion carried unanimously.

Kimberly McGriff, D.C.

MOTION: John Church moved, seconded by Jeffrey Mackey, to grant Kimberly McGriff an extension until June 1, 2017 to complete all continuing education requirements for the 2015-2016 biennium and submit evidence of attendance and credits earned. Any credits submitted for the 2015-2016 biennium may not be applied to the 2017-2018 biennium. Motion carried unanimously.

Therese Miller, D.C.

MOTION: John Church moved, seconded by Jeffrey Mackey, to deny the waiver request of Therese Miller, pursuant to Wis. Stat § 446.02(8) and Wis. Admin. Code Ch. Chir 5.01(1)(c). As an alternative, the Board grants an extension until May 1, 2017 to complete all continuing education requirements for the 2015-2016 biennium and submit evidence of attendance and credits earned. Any credits submitted for the 2015-2016 biennium may not be applied to the 2017-2018 biennium. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closing(s)

16 CHI 009 – K.W.

MOTION: Jeffrey Mackey moved, seconded by John Church, to close DLSC case number 16 CHI 009, against K.W., for No Violation. Motion carried unanimously.

16 CHI 026 – J.S.

MOTION: John Church moved, seconded by Jeffrey Mackey, to close DLSC case number 16 CHI 026, against J.S., for Insufficient Evidence. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Jeffrey Mackey moved, seconded by John Church, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Jeffrey Mackey moved, seconded by John Church, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:39 a.m.